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Paper No. 12

In re Application of  
Mark C. Myrhum *et al*  
Application No. 10/053,797  
Filed: January 18, 2002  
Attorney Docket No. 38213.00012.UTIL

DECISION ON PETITION

This is a decision on the petition filed by facsimile transmission on January 29, 2004 by which petitioners request that the Office letter reset the mailing date of the restriction requirement mailed on October 14, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that they have not received the Office letter in question. Petitioners have supported that allegation with a showing of fact analogous to the showing made with respect to nonreceipt of Office correspondence in connection with a petition to withdraw a holding of abandonment for failure to reply to an Office letter that was not received. The showing is accepted. It also appears from the record that petitioners had filed a timely revocation of power of attorney and new power of attorney that was received prior to the mailing of the Office letter in question, but the papers were not processed prior to the Office letter in question being mailed to the old correspondence address. The power of attorney and correct correspondence address are now of record.

Accordingly, this application is being forwarded to the Head Supervisory Applications Examiner with instructions to remail paper No. 9, together with all attachments thereto. The period for filing a reply to the paper will run from the date that the paper is remailed. In addition, a paper acknowledging receipt and acceptance of paper No. 10, the power of attorney filed on October 9, 2003, will be prepared and mailed. No change to the PALM system is necessary since the power of attorney and correspondence address appear to have been properly entered in the PALM system.

PETITION GRANTED.

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